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1626

CASE CT2590NP

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October 1, 2003

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1626

GRIBKOFF ET AL.

EXAMINER: STOCKTON, DR. LAURA L.

APPLICATION NO: 09/975,881

FILED: October 12, 2001

FOR: SELECTIVE MAXI-K POTASSIUM CHANNEL OPENERS  
FUNCTIONAL UNDER CONDITIONS OF HIGH  
INTRACELLULAR CALCIUM CONCENTRATION, METHODS  
AND USES THEREOF

**RECEIVED**

OCT 14 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Office Action mailed July 8, 2003 having a term that expired on August 8, 2003. A Petition for a two (2)-month Extension of Time to extend the time for response to the Official Action up to and including October 8, 2003, together with an authorization to charge the \$420.00 requisite extension fee to Deposit Account No. 19-3880, is enclosed herewith.

In reply to the Official Action mailed July 8, 2003, requesting an election of one invention to prosecute in the above-referenced patent application, applicants hereby provisionally elect the invention of Group I, encompassing claims 1-45 and drawn to a method of use wherein the maxi-K potassium channel opener is a fluoro-oxindone compound or a chloro-oxindole compound for prosecution at this time. This election is made without prejudice to, or disclaimer of, the other

claims or inventions disclosed; applicants reserve the right to file subsequent applications addressing non-elected subject matter.

In response to the Patent Office's requirement that applicants elect a single disclosed species from whichever group is ultimately elected, applicants elect the following species *strictly for searching purposes only*:

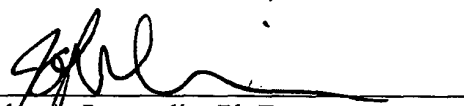
Example 2, page 27, structure BMS-204352 (i.e., (3S)-(+)-(5-chloro-2-methoxyphenyl)-1,3-dihydro-3-fluoro-6-(trifluoromethyl)-2H-indol-2-one)).

Although it is believed no additional fee is due, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment associated with the filing of this correspondence to Deposit Account Number 19-3880. Furthermore, if any extension of time is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to Deposit Account Number 19-3880.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Response, the Patent Examiner is respectfully requested to telephone the undersigned attorney in order to resolve these matters.

Respectfully submitted,

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Date: October 1, 2003